

Serial No.: 10/805,978

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REMARKS

Claim 1 is pending in the application. Favorable reconsideration of the application is respectfully requested.

I. REJECTION OF CLAIM 1 UNDER JUDICIALLY CREATED OBVIOUSNESS-TYPE DOUBLE PATENTING

Claim 1 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Specifically, the Examiner refers to claim 26 of copending Application No. 09/800,440.

Applicants do not agree with the basis for the rejection. In the interest of expediting favorable prosecution, however, applicants have chosen simply to file herewith a Terminal Disclaimer in view of copending Application No. 09/800,440.

The Terminal Disclaimer overcomes the rejection. Applicants therefore respectfully request withdrawal of the rejection.

II. CONCLUSION

Accordingly, claim 1 is believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.


Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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